

**Application No.: 09/657,431**  
**Resp. to OA of 5/27/04**

**2****Docket No.: 500862001400****REMARKS**

Reconsideration is respectfully requested. Claims 1-6, 10-12, and 19-21 are pending.

Applicants expressly reserve the right to pursue identical or similar claims in a continuation or divisional patent application.

**Examiner Interview**

Applicants respectfully thank the Examiner for the interview of June 23, 2004, in which the rejections under 35 U.S.C. §102 were discussed. An *Interview Summary* is attached with this response outlining the issues discussed and agreed upon.

**Withdraw of Objections and Rejections**

Applicants respectfully thank the Examiner for withdrawing the objections and rejections under 35 U.S.C. §112.

**Claim Rejections – Double Patenting**

The Examiner has provisionally rejected claims 19-21 under 35 U.S.C. §101 as claiming the same invention as that of claims 19-21 of co-pending Application No. 09/623,543. The Examiner has provisionally rejected claims 1-6 and 10-12 under the judicially created doctrine of obviousness-type double patenting over claims 1-6 and 10-12 of co-pending Application No. 09/623,543.

Because the claims of co-pending Application No. 09/623,543 has not been allowed, and the remaining grounds for rejection in this patent application have been overcome as discussed below, Applicants respectfully request that these grounds for rejection be withdrawn. Please see MPEP § 804 I. B., final paragraph.

**Claim Rejections – 35 U.S.C. § 102**

The Examiner has rejected claims 1-5 and 10-11 under 35 U.S.C. §102(b) over WO 97/41824, and claims 1-5, 10-11, and 21 under 35 U.S.C. §102(e) over U.S. Patent No. 6,057,122.

Similar rejections over the same art were first made of record in the Office Action dated November 19, 2002. In response to Applicants' response dated April 2, 2003, both rejections were

sf-1734672

**Application No.: 09/657,431**  
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**3****Docket No.: 500862001400**

withdrawn in the Office Action dated June 17, 2003. In the interview of June 23, 2004, the Examiner agreed to withdraw these rejections in view of Applicant's previous arguments.

Applicants respectfully thank the Examiner for agreeing to withdraw these grounds for rejection.

In order to be fully responsive to the present Office Action, Applicants again traverse these grounds for rejection for all the reasons stated in the response of April 2, 2003.

### **Conclusion**

In view of the above, each of the pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and to pass this application to issue.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 500862001400.

Dated: August 25, 2004

Respectfully submitted,

By

  
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sf-1734672

### Interview Summary

Application No.: 09/657,431 First Named Applicant: Dominique P. BRIDON

Examiner: B. Chism Art Unit: 1654

**Participants:**

(1) B. Dell Chism (2) Timothy A. Worrall

(3) \_\_\_\_\_ (4) \_\_\_\_\_

Date of Interview: June 23, 2004

**Type of Interview:**

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibits Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: \_\_\_\_\_

### Issues Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
Rejections under 35 USC 102(b) and 102 (e)			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(1) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

**Brief Interview Summary:**

In view of the identical previous rejections and their subsequent withdrawal, Examiner Chism agreed to withdraw the rejections under 35 U.S.C. 102(b) and 102(e).

  
(Applicant/Applicant's Representative Signature)

sf-1735873